

## REMARKS

In response to the Office Action dated January 8, 2008, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments. As a result of the amendments listed above, Claims 37-43 remain pending. Claim 37 has been amended. Claims 27, 28 and 33-36 have been canceled, without prejudice or disclaimer.

In the changes made by the current amendment, ~~deletions are shown by strikethrough~~, and additions are underlined or enclosed in [[double brackets]].

### Claims 27, 28 and 33-36 Have Been Canceled Without Prejudice Or Disclaimer

Claims 27, 28 and 33-36 presently stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,846,216 to Gonzales or under 35 U.S.C. § 103(a) as being unpatentable over Gonzales in view of U.S. Patent No. 5,788,674 to McWilliams. While Applicants maintain that these claims are not anticipated or rendered obvious by the applied reference or combination, Applicants have elected to cancel Claims 27, 28 and 33-36, without prejudice or disclaimer, in order to expedite prosecution of the present application.

### Claims 37-43 Are In Condition For Allowance

Claims 37-43 presently stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,846,216 to Gonzales or under 35 U.S.C. § 103(a) as being unpatentable over Gonzales in view of U.S. Patent No. 5,788,674 to McWilliams. Applicants respectfully submit that the claims, as amended herein, are in condition for allowance. Accordingly, reconsideration and withdrawal of the present rejections are respectfully requested.

Claim 37 stands rejected as being anticipated by Gonzales. In response, Applicants have amended Claim 37 to recite that, among other limitations, the porous member of the claimed catheter is secured to said tube by a ring-shaped bond that includes a portion extending into and closing at least one of the plurality of exit holes, and wherein said ring-shaped adhesive bond substantially fills an annular space between the tube and the porous member such that a fluid introduced into a proximal end of the tube will flow through the member prior to being dispensed from the catheter by flowing through the plurality of exit holes located distally of the ring-shaped

bond. Applicants respectfully submit that such a catheter is not disclosed or rendered obvious by the Gonzales reference, alone, or in combination with McWilliams or the other prior art of record. Accordingly, Applicants submit that Claim 37 is in condition for allowance.

Claims 38-43 are allowable, not only because they depend from allowable Claim 37, but upon their own merit as well. Accordingly, reconsideration and allowance of Claims 37-43 are respectfully requested.

*No Disclaimers or Disavowals*

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

**CONCLUSION**

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Curtiss Dosier at (949) 721-7613 (direct line), to resolve such issue promptly.

Application No.: 10/675,589  
Filing Date: September 30, 2003

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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